

REMARKS

In response to the Patent Office action of February 28, 2006, the Applicant respectfully requests re-examination and re-consideration.

In paragraph 2 of the Patent Office letter, the Examiner has rejected claims 10-17 and 30-32 under 35 U.S.C. §102(b) as anticipated by Mitchell. In paragraph 3 of the Patent Office letter, the Examiner has also rejected claims 21-23, 34, 35, 37, and 38 under 35 U.S.C. §102(b) as being anticipated by Frank. In paragraph 5, the Examiner has also rejected claims 18-20 and 26 under 35 U.S.C. §103(a) as being unpatentable over Frank. Amendments have now been made to independent claims 10, 18, 21 and 37, in order to overcome all of the above rejections, whether based on Mitchell or Frank.

In both of the patents relied upon by the Examiner, the resilient pad is simply held by a bolt arrangement from a frame. Neither of these patents teach the Applicant's arrangement of providing open slots in the weldment and into which ends, lugs or posts of the pad, engage. Accordingly, in all independent claims in this application, amendments have been made to now clarify that the posts or the like of the pad engage with open slots. By way of example, refer to Fig. 54A of the present invention and the open slots 1126. Neither the Frank nor the Mitchell patent have such an open slot arrangement.

With respect to claim 10, language has been added to further define the engagement of the post with the slot. It now reads that the support posts engage in a direction orthogonal to the ground engaging surface for mating with an accommodating open receiving slot. This is not taught by Mitchell or Frank in the prior art. The prior art only discloses a through hole for receiving a bolt and in which the hole extends parallel to the ground engaging surface. Furthermore, in claim 10 the slots are described as being disposed along a bottom edge of the weldment. Neither Mitchell nor Frank disclose slots at such a location on the weldment for mating with the support posts.

Regarding claim 18, similar structural distinctions have been made to patentably distinguish over the prior art of Mitchell and Frank. More particularly, the slot set is now defined as an "open receiving slot set" that is "disposed along a bottom edge" of the support plate. This limitation is not taught by either the Mitchell or Frank patent.

With respect to claims 21 and 37, language has been added to further define the slot as extending in the plane of the plate member or support plate and the engagement for mating with the open receiving slot. This language should now patentably distinguish the Applicant's invention over the prior art of Mitchell and Frank.

In paragraph 2 of the Patent Office letter, the Examiner has also rejected claim 15 in view of Mitchell's Figure 3. In claim 15, the "area" refers to the area of the pad, not the area of the post, and amendments have been made to claim 15 to clear up the confusion. Claim 15 now reads that there is a greater wear surface or area on one ground engageable surface than the other ground engageable surface. This placement of the support posts to provide the different work surfaces is not taught by the Mitchell patent.

In paragraph 6 of the Patent Office letter, the Examiner has rejected claims 24, 25, 33, 36, and 39, however in view of the changes to independent claims 10, 18, 21, and 37, these rejections should now be moot.

In paragraph 7 of the Patent Office letter, with respect to claim 10, the Examiner has rejected the argument that "engageable" patentably distinguishes over the prior art. The term "engageable" has been changed to "engaged" so that the post is not capable of engagement, but now rather is engaged with the slot. The Examiner has also rejected the argument that claim 15 should now be allowable because of the term "area". The claim should now be allowable given the other amendments to patentably distinguish the claim over the prior art. The claim has been amended so that the term area has been clarified to relate to the ground engageable surface of the pad and the rejection should now be overcome.

With respect to claim 37, the posts were described both as "mounting posts" and as "support posts" and the claim has been amended so that now the "support posts" are referred to as "mounting posts" to clear up any confusion.

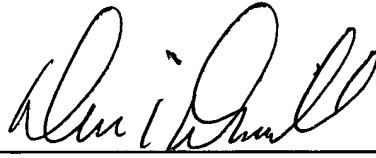
CONCLUSION

In view of the foregoing amendments and remarks, the Applicant respectfully submits that all of the claims pending in the above-identified application are in condition for allowance, and a notice to that effect is earnestly solicited.

If the present application is found by the Examiner not to be in condition for allowance, then the Applicant hereby requests a telephone or personal interview to facilitate the resolution of any remaining matters. Applicant's attorney may be contacted by telephone at the number indicated below to schedule such an interview.

Respectfully submitted,
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